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REMARKS

Claims 1-13, 16-21, and 23-30 are pending in the present application. Claim 26 has been amended. Claims 1-13, 16-21, and 23-30 are ready for consideration upon entry of the present Amendment. Applicants wish to thank the Examiner for the indication of allowability of Claims 1-13, 16-21, 23-25, and 30.

No new matter has been introduced by these amendments. Reconsideration and allowance of the claims is respectfully requested in view of the above amendments and the following remarks.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 26-29 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over U.S. Patent No. 5,109,052 to Kasai et al. (hereinafter "Kasai") in view of U.S. Patent No. 4,038,343 to Yonemitsu et al. (hereinafter "Yonemitsu"). Applicants respectfully traverse this rejection.

The instant claims are directed to a conductive thermoplastic composition comprising about 20 to about 60 weight percent of a polyphenylene ether copolymer comprising about 75 to about 90 weight percent of 2,6-dimethyl-1,4-phenylene ether units and about 10 to about 25 weight percent of 2,3,6-trimethyl-1,4-phenylene ether units; about 30 to about 65 weight percent of a polyamide; about 1 to about 30 weight percent of an impact modifier comprising a styrene-(ethylene-butylene)-styrene triblock copolymer and a styrene-(ethylene-propylene) diblock copolymer; and about 0.025 to about 40 weight percent of an electrically conductive filler; wherein all weight percents are based on the total weight of the composition.

Kasai is directed to compositions comprising 25-70% by weight of a polyphenylene ether, 25-70% by weight of a polyamide and 2 to 25% by weight of a particular block copolymer mixture (Claim 1). The polyphenylene ether can be a copolymer of 2,6-dimethylphenol with 2,3,6-trimethylphenol (Column 5, lines 15-19). The preferred ratio of 2,6-dimethylphenol to 2,3,6-trimethylphenol is not disclosed. The compositions can further comprise carbon black (Column 14, line 54). In the Examples, a homopolymer of poly(2,6-

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dimethylphenylene-1,4 ether) is the only polyphenylene ether utilized. The block copolymer contains a hydrogenated block copolymer and a non-hydrogenated diene block copolymer (Claim 1).

Yonemitsu is directed to polyphenylene ether compositions comprising 50-98 mol% of a 2,6-dialkylphenol and 2 to 50 mol% of a 2,3,6-trialkylphenol (Abstract). The compositions had an intrinsic viscosity of 0.55 deciliters/gram (Column 4, line 58). The compositions are taught to have good mechanical properties even after heat aging (Abstract).

In making the rejection, the Examiner states "one having ordinary skill in the art would have found it obvious to use the components [of Yonemitsu] because their use in conductive polyphenylene ether-polyamide compositions is fully disclosed in Kasai et al." (Paper 3, Page 5). Applicants submit that the combination of Kasai and Yonemitsu does not render the present claims obvious as neither reference discloses the particular combination of impact modifiers presently claimed.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a prima facie case of obviousness. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). Establishing a prima facie case of obviousness requires that all elements of the invention be disclosed in the prior art. *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970).

The pending application teaches and claims a conductive thermoplastic composition comprising in part about 1 to about 30 weight percent of an impact modifier comprising a styrene-(ethylene-butylene)-styrene triblock copolymer and a styrene-(ethylene-propylene) diblock copolymer. Kasai teaches a composition comprising polyphenylene ether and polyamide but fails to disclose the particular combination of impact modifiers claimed in the present application. Yonemitsu does not teach the instantly claimed impact modifiers and thus fails to cure the defects of Kasai. Because Kasai and Yonemitsu alone or in combination fail to disclose at least one element of the instant claims, namely the specific impact modifiers, they cannot render the instant claims obvious. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §103(a) are requested.

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It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance of all claims is requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 07-0862 maintained by Applicants' attorneys.

Respectfully submitted,

CANTOR COLBURN LLP

By: Patricia S. DeSimone
Patricia S. DeSimone
Registration No. 48,137

Date: March 13, 2003
Address: 55 Griffin Road South, Bloomfield, CT 06002
Customer No.: 23413
Telephone: (860) 286-2929

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

26. (Amended/Marked Up) A conductive thermoplastic composition comprising the reaction product of:

about 20 to about 60 weight percent of a polyphenylene ether copolymer comprising about 75 to about 90 weight percent of 2,6-dimethyl-1,4-phenylene ether units and about 10 to about 25 weight percent of 2,3,6-trimethyl-1,4-phenylene ether units;

about 30 to about 65 weight percent of a polyamide;

about 0.1 to about 5 weight percent of a compatibilizing agent;

about 1 to about 30 weight percent of an impact modifier comprising a styrene-(ethylene-butylene)-styrene triblock copolymer and a styrene-(ethylene-propylene) diblock copolymer; and

about 0.025 to about 40 weight percent of an electrically conductive filler;

wherein all weight percents are based on the total weight of the composition.